

REMARKS

Claims 1-15 appear in this application for the Examiner's review and consideration.

The Examiner has acknowledged that claims 1-15 are allowable.

Claims 16-28 have been cancelled without prejudice to Applicants' right to file one or more continuing applications directed to any subject matter not presently claimed.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 16-28 were rejected under 35 U.S.C. § 112, second paragraph.

The statement in the claims as to the second layers extending beyond the normal contour of the outsole is now moot with the cancellation of the claims.

35 U.S.C. 102(b) Rejection Over Famolare, Jr.

Claims 16 and 18-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,742,625 to Famolare, Jr.

These claims have been cancelled therein making this rejection moot.

35 U.S.C. 103(a) Rejection Over Famolare, Jr.

Claims 22-25 were rejected under 35 U.S.C. § 103(a) as being obvious over Famolare, Jr.

These claims have also been cancelled therein making this rejection moot.

Nonstatutory Obviousness-type Double Patenting

Claims 16 and 18-25 were rejected on the ground of double patenting over the claims of U.S. Patent No. 6,708,425 in view of U.S. Patent No. 2,179,942 issued to Lyne.

Again these claims were cancelled making this rejection moot.


Conclusion

Based on the remarks set forth above, Applicants have accepted the Examiner's allowance of claims 1-15 and have cancelled all other claims.

No fee is believed to be due for this submission. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

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Date



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Attachments